

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby amends Chapter 8, “Universal Practice Standards,” Iowa Administrative Code.

The amendment authorizes a hospital to make available to prescribers while they practice in the hospital generic prescription blanks or forms that may identify the hospital pharmacy.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the July 2, 2008, Iowa Administrative Bulletin as **ARC 6872B**. The Board received no written comments regarding the proposed amendment. The adopted amendment is identical to that published under Notice.

The amendment was approved during the July 29, 2008, meeting of the Board of Pharmacy.

This amendment will become effective on October 29, 2008.

This amendment is intended to implement Iowa Code sections 147.55 and 155A.12.

The following amendment is adopted.

Amend subrule 8.11(5) as follows:

8.11(5) *Freedom of choice/solicitation/kickbacks/fee-splitting and imprinted prescription blanks or forms.* A pharmacist or pharmacy shall not enter into any agreement which negates a patient’s freedom of choice of pharmacy services. A pharmacist or pharmacy shall not participate in prohibited agreements with any person in exchange for recommending, promoting, accepting, or promising to accept the professional pharmaceutical services of any pharmacist or pharmacy. “Person” includes an individual, corporation, partnership, association, firm, or other entity. “Prohibited agreements” includes an agreement or arrangement that provides premiums, “kickbacks,” fee-splitting, or special charges as compensation or inducement for placement of business or solicitation of patronage with any pharmacist or pharmacy. “Kickbacks” includes, but is not limited to, the provision of medication carts, facsimile machines, any other equipment, or preprinted forms or supplies for the exclusive use of a facility or practitioner at no charge or billed below reasonable market rate. A pharmacist shall not provide, cause to be provided, or offer to provide to any person authorized to prescribe prescription blanks or forms bearing the pharmacist’s or pharmacy’s name, address, or other means of identification, except that a hospital may make available to hospital staff prescribers, emergency department prescribers, and prescribers granted hospital privileges for the prescribers’ use during practice at or in the hospital generic prescription blanks or forms bearing the name, address, or telephone number of the hospital pharmacy.

[Filed 9/5/08, effective 10/29/08]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/24/08.